HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.27369 of 2006

Dated:02.01.2007

Between:

Kompella Vishwanath.

…Petitioner

and

Govt. of A.P., and others.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.27369 of 2006

ORDER:

The petitioner alleges that he purchased a plot bearing No.76 admeasuring about 377.77 square yards in Survey No.74/6 situated in the layout of Balamrai Cooperative Housing Society Limited, Mahindra Hills, Secunderabad, from one E.Vijay Kumar for a sale consideration under a sale deed. The petitioner presented the same before the third respondent for registration. It is alleged by the petitioner that though the said sale deed was received for registration, it was kept as pending Document P.No.114/2006, aggrieved by which, the present Writ Petition is filed.

Heard the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 31 to 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004, dated 01.09.2004.

Following the above, this Writ Petition is disposed of directing the third respondent or any other Registering Officer to accept the document presented by the petitioner and consider for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. Even thereafter, if the petitioner has any grievance, he may file appeal before the Appellate Authority under Section 72 of the Act.

Thereafter, if any adverse order is passed by the Appellate Authority, the petitioner can file a suit under Section 77 of the Act. Be it also noted that in case the Government claims the land as belonging to them, it shall be open to them to avail appropriate remedy either before the Special Court/Special Tribunal under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, or by filing a declaration suit or by taking necessary action under the Andhra Pradesh Land Encroachment Act, 1905. No costs.

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(V.V.S.RAO, J)

02.01.2007
vs